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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,098	07/27/2000	Khai Hee Kwan		3200

23336 7590 10/05/2006

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EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

3691

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,098

Applicant(s)

KWAN, KHAI HEE

Examiner

Thu Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 21-26, 28-31 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 21-26, 28-31, and 33-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Detailed Action

Response to Amendment

Claims 1-6, 8, 21-26, 28-31, and 33-36 are pending. This action is in response to the amendment received July 13, 2006.

Response to Arguments

Applicant's arguments with respect to claims 1-6, 8, 21-26, 28-31, and 33-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-6, 8, 21-26, 28-31, and 33-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Herschkorn (US 6,691,094) in view of Cornelius et al. (US 7,069,234).

Re claim 1, Herschkorn teaches a method operative at a server for negotiating and managing loan syndication over a network (col. 7, lines 13-67; Herschkorn discloses a loan trading system over the Internet to match buyers and sellers of loans in a syndication method), comprising the steps of:

receiving a request to post a requirement to syndicate a loan opportunity by a first entity over a network (col. 1, lines 5-23);

displaying information about said requirement accessible by a plurality of entities over a network (col. 3, lines 25-54; figs. 1-3 and 5; Herschkorn discloses webpage for loan negotiations)

enabling first entity to negotiate with second entity over a network about committing at least a portion of said loan facility (col. 8, lines 35-67; Herschkorn enabling negotiation by disclosing initial offers and choices for different offers);

wherein if said requirement is a loan origination then the first entity is a loan syndicator and the second entity is a potential lender (figs. 6e and 8); and

whereby said loan opportunity is pending agreement (fig. 8; In figure 8, Herschkorn discloses plurality of entities which are all different from each others such as "American Axle or Ball Corp").

However, Herschkorn does not explicitly teach an online comment from one or more second entities about conditions and terms of said loan opportunity over a network. On the other hand, Cornelius discloses an online comment from one or more second entities about conditions and terms of said loan opportunity over a network when he discloses the document checklist is an online document checking facilitation list which allows the buyer to view and check the trade documents submitted by seller on-line via the VTrade Web (col. 3, lines 33-55; figs. 7-8 and 53). Cornelius discloses web information in relation to Email/Comments/Contact Merchant--Providing mechanisms where the user can easily contact the site is a good practice. Valuable input and comments

can be gained from the actual users. In addition, he discloses a buyer and a seller are allowed to negotiate terms of trade utilizing a network. Thus, it would have been obvious to one of ordinary skill in the art to implement an online comment from one or more second entities about conditions and terms of said loan opportunity over a network in a negotiation system as discloses in Cornelius.

Re claims **2** and **24**, Herschkorn teaches anonymize the identities of said entities (col. 3, lines 4-12 and lines 59-61). Herschkorn discloses cross-matching systems that allow users/dealers to trade with each other anonymously.

Re claims **3** and **23**, Herschkorn teaches providing a feedback routine for commenting about the entities and said feedback is submitted by the entities over said network (col. 3, lines 30-53).

Re claim **4**, Herschkorn teaches providing rating associated with the entities based on past syndication data (col. 4, line 63 to col. 5, line 68; figs. 6e-6f).

Re claims **5** and **22**, Herschkorn teaches an auction routine to place loan commitment bids and whereby more than one entity can be selected forming the syndication (col. 16, line 48 to col. 18, line 67; col. 4, lines 54-56; col. 6, lines 35-46). Herschkorn specifically discloses an auction routine.

Re claim **6**, Herschkorn teaches if said requirement is a lending then the first entity is a potential lender and the second entity is a loan syndicator (col. 1, lines 5-23; col. 2, lines 20-52).

Re claims **8, 25-26, and 28-31**, Herschkorn teaches updating online electronic documents incorporating said negotiated conditions and terms before creating the loan

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syndicate by agreement (col. 13, line 35 to col. 15, line 40; col. 7, lines 34-67; figs. 4b-4d and 5).

Re claims **21, 33-34, and 36**, Herschkorn teaches an apparatus as claimed in claim 1 above. Therefore the rationale applied in the rejection of claim 21 applies herein. In addition, Herschkorn teaches a programmed computer comprising a memory and code (figs. 2-3). When Herschkorn discloses webpage software application in figures 2-3 then he is disclosing a programmed computer comprising a memory and code to make the applications functional and operable.

Re claim **35**, Herschkorn teaches requirement is an origination then first entity is a loan syndicator and second entity is potential lender (figs. 6e and 8).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the

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Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Thu Thao Havan

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9/29/2006